

REMARKS

This Supplemental Amendment is submitted in response to the final Office Action mailed June 2, 2009 and the Advisory Action mailed August 26, 2009. The amendment to the claims presented above cancels claims and amends independent claim 1 to comply with a requirement of form set forth in the Advisory Action (with respect to objected claims 5 and 6). Therefore, Applicant respectfully requests entry of this Supplemental Amendment because it does not introduce any new issues. Applicant submits this Supplemental Amendment in order to expedite allowance and without prejudice to Applicant's rights to pursue the claims as previously presented in a continuation application.

The Advisory Action indicated that Applicant's request for reconsideration in view of the remarks filed in the Response dated August 3, 2009 failed to place the present application in condition for allowance. The Examiner indicated that, *inter alia*, Applicant's remarks regarding the new matter objections under 35 U.S.C. § 132(a), the rejection of claims 37–39 under 35 U.S.C. § 112, first paragraph, and the rejection of claims 1–4, 21, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Pesola et al. (U.S. Patent No. 5,271,056, hereinafter "Pesola") in view of Maoz et al. (U.S. Patent Application Publication No. 2004/0125029, hereinafter "Maoz") were not persuasive. However, the Examiner also indicated that, in light of Applicant's remarks, dependent claims 5 and 6 would be patentable if rewritten in independent form to include all the limitations of their respective base claims and any intervening claims.

In light of the foregoing, Applicant submits this Supplemental Amendment in order to place the present application in condition for immediate allowance. Independent claim 1 has been amended to include the allowable subject matter of claim 5. Therefore, independent claim 1 and claims 2–4, 6–10, 21, 33, and 35, which depend from claim 1, are in condition for allowance. In addition, independent claim 23 and claims 24–32, 34, and 36, which depend from claim 23, are in condition for allowance.

Summary of Examiner Interview

In a telephonic interview initiated by Applicant's representative, Jessica H. Kwak, on September 1, 2009, Ms. Kwak and Examiner Rex R. Holmes discussed the present application. In particular, Ms. Kwak noted that the Advisory Action indicated that claims 5 and 6 were objected to, but would be allowable if rewritten in independent form. Ms. Kwak inquired as to

whether independent claim 23, and the claims depending therefrom, would also be considered patentable over the prior art of record because claim 23 requires an electrostatic discharge layer defining an aperture, which is also recited in objected claim 5.

Examiner Holmes, after reviewing the claims pending in the present application, called Ms. Kwak later in the day on September 1, 2009 and indicated that he believed that claim 23 and the claims depending therefrom would also be allowable over the prior art. However, no agreement regarding the claims was reached. In addition, no exhibits were introduced during the interview.

Applicant thanks Examiner Holmes for taking time to discuss the application.

Amendment to the Specification

Applicant has amended paragraph [0141] of the specification to delete the text that was added by way of an amendment to the specification presented in the Amendment filed on February 17, 2009.

New Matter Objections Under 35 U.S.C. § 132(a)

The final Office Action objected to the amendment to paragraph [0141] of Applicant's disclosure submitted in the Amendment filed on February 17, 2009.¹ Applicant maintains the arguments made with in the Response filed on August 3, 2009 with respect to the new matter objection. In particular, Applicant maintains that the amendment to paragraph [0141] submitted in the Amendment filed on February 17, 2009 does not add new matter.

In order to expedite allowance, Applicant has amended the specification to delete the text to which the Office Action objected, thereby rendering the objection to the specification moot. However, Applicant does not acquiesce to the new matter objections to the amendments to the specification submitted in the Amendment filed on February 17, 2009.

Applicant respectfully requests withdrawal of the new matter objections under 35 U.S.C. § 132(a).

¹ See final Office Action of June 2, 2009 at p. 1, items 1–4, and Amendment filed February 17, 2009 at p. 2.

Claim Rejections Under 35 U.S.C. § 112

In the final Office Action, claims 37–39 were rejected to under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant maintains the arguments made with in the Response filed on August 3, 2009 with respect to the rejection of the claims under 35 U.S.C. § 112, first paragraph. In order to expedite allowance, Applicant has canceled claims 37–39, thereby rendering the rejection of claims 37–39 moot. However, Applicant does not acquiesce to the rejections of claims 37–39 under 35 U.S.C. § 112, first paragraph.

For at least these reasons, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 112, first paragraph be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, claims 1–4, 21, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pesola in view of Maoz. In addition, claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pesola in view of Maoz as applied to claim 1, and further in view of Stein et al. (U.S. Patent Application Publication No. 2004/0230246, hereinafter “Stein”). Claims 5–8, 23–29, 32–34, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pesola in view of Maoz as applied to claim 1, and further in view of Persson (U.S. Patent No. 6,207,912). Claims 30 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pesola in view of Maoz in view of Persson as applied to claim 23, and further in view of Stein. Applicant respectfully maintains the traversal of the rejection of the claims for at least the reasons provided in the Response filed on August 3, 2009 and does not acquiesce to the rejections of the claims under 35 U.S.C. § 103(a).

As noted above, Applicant has amended independent claim 1 to include the allowable subject matter of claim 5 in order to expedite allowance. Therefore, independent claim 1 and claims 2–4, 6–10, 21, 33, and 35, which depend from claim 1, are in conditon for allowance. In addition, Applicant submits that independent claim 23 and claims 24–32, 34, and 36, which depend from claim 23, are in condition for allowance.

Reconsideraton and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a) are respectfully requested.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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September 2, 2009
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